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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/753,463 | 01/09/2004 | Yasuo Fujimoto | 2244.0160000 | 6417 |

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STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

CHEN, TIANJIE

ART UNIT PAPER NUMBER

2627

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/753,463 | Applicant(s) FUJIMOTO, YASUO | |
| | Examiner Tianjie Chen | Art Unit 2627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Non-final Rejection

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (US 2001/0008475) in view of Lindrose (US 6,771,469).

Claim 1, Takagi et al shows a magnetic head suspension in figs. 1 and 2 including: a flexure 50 ([0046]) having a magnetic head mounting region 52; a load beam 31 ([0042]) connected to the flexure and having a dimple 51 ([0046]) at a portion corresponding to the magnetic head mounting region; a load-bent portion 41 ([0042]) generating a load for pressing a magnetic head to a magnetic disk via the load beam; and a base portion 30 connected to a rear region of the load-bent portion.

Takagi et al does not show that the load beam has a reinforcing structure that is symmetrical as viewed from the above based on a center longitudinal axis line, only in a center region in a longitudinal direction from a rearmost portion at the rear region to the dimple.

Lindrose shows a load beam 180 (Fig. 3; column 6, lines 13-14) has a reinforcing structure 262 that is symmetrical as viewed from the above based on a

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center longitudinal axis line, only in a center region in a longitudinal direction from a rearmost portion at the rear region to the dimple. Lindrose further teaches that the structure can be used to reinforce the vertical stiffness of the load beam (Column 9, lines 16-17) and helps to prevent the tip sliding off the load beam during a relatively violent shock event (Column 9, lines 21-23). One of ordinary skill in the art would have been motivated to add the structure taught by Lindrose to reinforce the vertical stiffness and preventing sliding of the tip.

Claim 2, Lindrose further shows that the load beam has a longitudinal length L from the rearmost portion to the dimple, and the reinforcing structure is provided within a range of $+0.25L$ from a longitudinal center position located at $L/2$ from the rearmost portion.

Claim 3, Lindrose further shows that the longitudinal length of the reinforcing structure is 0.04 to $0.4L$.

Claim 4, 5, and 6, Lindrose further shows that the reinforcing structure is the form of a flange structure provided at left and right symmetrical external sides of the load beam.

Claims 7, 8, and 9; in above constructed Takagi et al and Lindrose's device, the load beam has a hollow opening⁴⁵ (Takagi et al's Figs. 1 and 2), and the reinforcing structure is the form of a flange structure provided at left and right symmetrical internal sides of the load beam, the internal sides defining the hollow opening.

Claims 10-12, it is obvious that Lindrose's structure of 262 can be fabricated by drawing.

A "product by process" claim is directed to the product per se, no matter how actually made, see *In re Hirao*, 190 USPQ 15 at 17 (footnote 3 CCPC, 5/27/76); *In re*

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Brown, 173 USPQ 685 (CCPA 5/18/72); In re Luck, 177 USPQ 523 (CCPA, 4/26/73); In re Fessmann, 180 USPQ 324 (CCPA, 1/10/74); In re Thorpe, 227 USPQ 964 (CAFC, 11/21/85). The patentability of the final product in a "product by process" claim must be determined by the product itself and not the actual process and an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. In instant case, "drawing" is a process related limitation, earns no weight in determining patentability.

Claims 13-18; Takagi et al further shows in Figs. 1 and 2 that the load beam includes: a rear region connected to a front region of the load-bent portion; an intermediate region extending from the rear region toward the distal end; and a front region extending from the intermediate region toward the distal end and reaching the magnetic head mounting region; the rear region has: a rear short beam extending along a width direction; and a pair of rear side beams extending from both ends of the rear short beam to the distal end of the load beam and inclined toward the distal end of the load beam so as to come close to the center longitudinal axis line of the load beam, the intermediate region has a pair of intermediate side beams extending from the distal end of the pair of rear beams to the distal end of the load beam and inclined to be in parallel with the center longitudinal axis line of the load beam or inclined toward the distal end of the load beam so as to come close to the center longitudinal axis line of the load beam, and the rear beam has an angle of inclination to the center longitudinal axis line of the load beam larger than that of the intermediate side beam.

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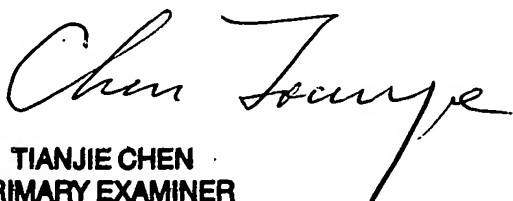
Conclusion

3. The prior art made of record in PTO-892 form and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TIANJIE CHEN
PRIMARY EXAMINER